

ASSIGNMENT 2

Textbook Assignment: "Claims," chapter 12, pages 12-1 through 12-41.

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| <p>2-1. What doctrine prevented injured persons from receiving fair compensation for meritorious claims prior to the FTCA being passed?</p> <ol style="list-style-type: none">1. Private bill doctrine2. Sovereign immunity doctrine3. Liability doctrine4. Tort doctrine | <p>2-6. Under the FTCA, what amount of time does a claimant have from the date a claim against the government accrues to present a written claim?</p> <ol style="list-style-type: none">1. 1 year2. 2 years3. 3 years4. 4 years |
| <p>2-2. What term best describes a failure to exercise the degree of care that a reasonable person would exercise under the same circumstance?</p> <ol style="list-style-type: none">1. Liability2. Tort3. Negligence4. Wrongful | <p>2-7. Under the FTCA, when a claimant presents a claim to a federal agency, the agency must act on the claim within what maximum number of months?</p> <ol style="list-style-type: none">1. 62. 93. 124. 18 |
| <p>2-3. The authority for commissioned officers and petty officers to apprehend is extended by what article of the UCMJ?</p> <ol style="list-style-type: none">1. Article 52. Article 63. Article 74. Article 8 | <p>2-8. Under the FTCA, after a federal agency mails written notice of its final denial of the claim, the claimant is allowed what maximum number of months to file suit on the claim in federal district court?</p> <ol style="list-style-type: none">1. 62. 93. 124. 18 |
| <p>2-4. What is the maximum amount of recovery, if any, under the FTCA?</p> <ol style="list-style-type: none">1. \$25,0002. \$50,0003. \$75,0004. None | <p>2-9. Whenever possible, what form should a claimant use when preparing an FTCA claim?</p> <ol style="list-style-type: none">1. NAVJAG Form 5890/122. DD Form 18433. DD Form 18424. Standard Form 95 |
| <p>2-5. Written approval to pay an FTCA claim must be obtained from the Attorney General if the claim exceeds what specific amount?</p> <ol style="list-style-type: none">1. \$20,0002. \$25,0003. \$30,0004. \$50,000 | |

- 2-10. When a claim is initially presented for adjudication, what action must be taken by the receiving command?
1. The claim must be forwarded to the nearest NLSO
 2. The claim must be stamped or marked with the date of receipt
 3. The maximum amount that may be adjudicated must be determined
 4. The date, type, and amount of the claim is reported to JAG
- 2-11. What command usually convenes a claims investigation?
1. The area coordinator for the command involved
 2. The command most directly involved in the incident
 3. The NAVLEGSVCOFF serving the command involved
 4. A designated impartial command that is not directly involved
- 2-12. When a person is appointed to investigate a claim, what should be the investigator's main concern about his or her normal duties?
1. The investigator should make sure he or she always performs normal duties
 2. The investigator should find a temporary relief to take over his or her normal duties pending the completion of the investigation
 3. The investigation ordinarily takes priority over his or her normal duties
 4. The investigation should be secondary to normal duties and will be done on the investigator's own time
- 2-13. An adjudicating authority can pay an FTCA claim up to \$40,000. The same adjudicating authority could deny an FTCA claim up to what amount?
1. \$120,000
 2. \$80,000
 3. \$40,000
 4. \$20,000
- 2-14. At what moment is the government no longer liable concerning an FTCA claim?
1. When the investigation is completed
 2. When the review is completed
 3. When the adjudicating authority pays the claim
 4. When the claimant accepts a paid settlement
- 2-15. A settlement agreement is required in which of the following circumstances?
1. The claim is settled for less than the full amount claimed
 2. The claim was presented on a SF-95
 3. Both 1 or 2 above
 4. The claim was settled by an adjudicating authority other than OJAG
- 2-16. A claimant may submit a reconsideration of an FTCA claim denial within what maximum number of months?
1. 1
 2. 6
 3. 9
 4. 12
- 2-17. What is the maximum payment that may be approved under the Military Claims Act (MCA) without referral to the General Accounting Office?
1. \$50,000
 2. \$100,000
 3. \$150,000
 4. \$200,000
- 2-18. A claim under the MCA may not be paid unless it is presented in writing within what maximum number of years after it accrues?
1. 1
 2. 2
 3. 3
 4. 4

- 2-19. Under the MCA, the Secretary of the Navy, or a designee, is authorized to make an advance payment up to what maximum amount?
1. \$1,000
 2. \$2,500
 3. \$5,000
 4. \$10,000
- 2-20. A claimant may bring suit within what maximum period of time, if any, after an administrative denial of an MCA claim?
1. 30 days
 2. 60 days
 3. 90 days
 4. There is no right to sue under the MCA
- 2-21. Which of the following types of claims is payable under the Personnel Claims Act?
1. Damage to property in unassigned quarters in the United States
 2. Loss of personal property used for the benefit of the government
 3. Damage of property owned by the United States that is used for personal benefit
 4. Loss of jewelry shipped in baggage
- 2-22. Normally, the schedules of depreciation do not require the depreciation for items less than what maximum number of months old?
1. 6
 2. 8
 3. 9
 4. 12
- 2-23. Under normal circumstances, what is the maximum amount payable for a claim submitted under the Personnel Claims Act?
1. \$20,000
 2. \$30,000
 3. \$40,000
 4. \$50,000
- 2-24. Except when motor vehicles are being shipped under PCS orders, what is the maximum amount payable under the Personnel Claims Act for noncollision damage claims?
1. \$1,000
 2. \$1,500
 3. \$2,000
 4. \$2,500
- 2-25. Except during time of armed conflict, what is the statute of limitations for personnel claims?
1. 1 year
 2. 2 years
 3. 3 years
 4. 4 years
- 2-26. Personnel claims are presented on which of the following forms?
1. Standard Form 95
 2. Standard Form 1145
 3. DD Form 1842
 4. DD Form 1845
- 2-27. A Notice of Loss or Damage, DD Form 1840/1840R, must be submitted to a personal property office within a total of what maximum number of days of delivery of household effects?
1. 30
 2. 45
 3. 60
 4. 70
- 2-28. An adjudicating authority may authorize advance partial payments on a Personnel Claims Act claim in which of the following amounts?
1. \$500
 2. \$1,000
 3. One-fourth of the estimated total payment
 4. One-half of the estimated total payment

- 2-29. Persons in which of the following situations would normally be eligible to submit a claim under the Foreign Claims Act?
1. A citizen of a foreign country for damage caused to personal property in that country by the noncombatant activities of a member of the U.S. Armed Forces
 2. A member of a foreign armed force for damage to personal property while serving in the U.S. Armed Forces in the United States
 3. A dependent of a member of the U.S. Armed Forces living in a foreign country for damage done to personal property
 4. An active duty member stationed in a foreign country for damage done to personal property
- 2-30. What is the maximum amount payable under the Foreign Claims Act?
1. \$25,000
 2. \$50,000
 3. \$100,000
 4. \$150,000
- 2-31. After incurring a loss, an eligible person has what maximum amount of time to submit a claim under the Foreign Claims Act?
1. 1 year
 2. 2 years
 3. 3 years
 4. 6 months
- 2-32. In which of the following manners are claims submitted under the Foreign Claims Act investigated?
1. By a one-officer investigation not requiring a hearing
 2. By an NLSO appointed claims adjudicator
 3. By a foreign claims commission
 4. By a court of inquiry
- 2-33. The Secretary of the Navy is authorized to settle admiralty claims up to what maximum amount?
1. \$100,000
 2. \$500,000
 3. \$1,000,000
 4. \$10,000,000
- 2-34. Which of the following statements is NOT correct concerning nonscope claims?
1. The claim must not be able to be dealt with under some other claims statute
 2. Acts by employees of nonappropriated fund activities are not covered by the nonscope claims statute
 3. The property damage, personal injury, or death must be caused by a military member or civilian employee of the armed forces or Coast Guard
 4. The acts giving rise to the claims must show negligence and be within the scope of employment
- 2-35. What is the maximum amount payable by an OEGCMJ under an Article 139 claim for damage in a single incident?
1. \$750
 2. \$2,000
 3. \$5,000
 4. \$7,500
- 2-36. What maximum amount of time does a person have to file a complaint under Article 139?
1. 180 days
 2. 2 years
 3. 90 days
 4. 30 days

- 2-37. Under the Federal Claims Collection Act, what is the maximum amount of time after damage occurs that the government has to make a written demand on the responsible party?
1. 1 year
 2. 2 years
 3. 3 years
 4. 4 years
- 2-38. Under the Federal Claims Collection Act, claims over what amount can be terminated or compromised only with the specific permission of the Department of Justice?
1. \$20,000
 2. \$40,000
 3. \$60,000
 4. \$75,000
- 2-39. Against which of the following entities may a Medical Care Recovery Act claim be asserted?
1. Private individuals
 2. Corporations and associations
 3. Nonfederal government agencies
 4. Each of the above
- 2-40. What person has primary responsibility for assertion and collection of Medical Care Recovery Act claims?
1. Action JAG designee
 2. CO of the concerned Navy medical facility
 3. Patient
 4. JAG
- 2-41. Without prior approval of the Department of Justice, what is the maximum amount that may be settled, waived, or compromised under the Medical Care Recovery Act?
1. \$20,000
 2. \$40,000
 3. \$50,000
 4. \$75,000
- 2-42. When it appears that a third party is legally responsible for an injury or a disease, what official or activity is responsible for preparing the NAVJAG Form 5890/12?
1. The cognizant JAG designee
 2. The CO of the NLSO nearest the concerned Navy medical facility
 3. The OEGCMJ nearest the concerned Navy medical facility
 4. The concerned Navy medical facility
- 2-43. What form is used to issue all fund authorizations?
1. NAVCOMPT Form 372
 2. NAVCOMPT Form 2277
 3. Standard Form 1145
 4. Standard Form 2199A
- 2-44. When specifically requested, end-of-year fund balances may be carried forward to the next fiscal year.
1. True
 2. False
- 2-45. What form should be used to make all payments using Navy claims funds?
1. NAVCOMPT Form 372
 2. NAVCOMPT Form 2277
 3. Standard Form 1038
 4. Standard Form 1145
- 2-46. What is the primary report used to manage Navy claims funds?
1. Resource authorization report
 2. Trial balance report
 3. Voucher for disbursement report
 4. Claims record report

2-47. Which of the following reports is/are needed for reconciliation with the memorandum accounting logbook?

1. Listing of expenditures processed against your authorization
2. Listing of all outstanding obligations
3. Both 1 and 2 above
4. Trial balance report

2-48. To facilitate reconciliation, you should identify vouchers in what manner, if any?

1. Consecutively numbered by job order as they are prepared
2. Consecutively lettered by job order as they are prepared
3. Alphabetically by name of claimant
4. None

2-49. Which of the following types of information should be recorded in a memorandum accounting logbook?

1. Voucher number
2. Balance
3. Fund increases
4. Each of the above

2-50. After discovering that a personnel claim was paid citing the accounting data for a military claim, you should take what action?

1. Charge the account from which the claim was paid
2. Make appropriate adjustments in the memorandum accounting logbook
3. Contact the authorization accounting activity
4. Send a letter to the U.S. General Accounting Officer